

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKUNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

-V.-

COLLECTOR'S COFFEE INC., et al.,

Defendants.

ORDER

19 Civ. 4355 (LGS) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

With regard to the application in Docket ## 561 and 562, it appears that the SEC seeks to have a telephone conference solely for the purpose of determining “the types of questions Defendants would ask on a topic-by-topic basis at the proposed depositions” so that the “SEC could proffer answers to these questions.” (Docket # 562). The defendants never responded to this request (or, indeed, to the application for a protective order). The Court believes that the exploration is a worthwhile one but that it is best done in writing. Accordingly, the defendants seeking the depositions are directed to provide to the SEC, by October 6, 2020, a listing of each specific topic area that they seek information on as to each witness. The SEC has the option to proffer answers as to any questions by October 13, 2020. If, after this exercise is complete, the defendants still seek to depose any of the SEC witnesses, they shall so inform the SEC in writing by October 20, 2020. At that time, if it is still necessary, the SEC may move for a protective order by letter or formal motion.

In the interim, none of the requested depositions shall take place. As to the SEC’s request for permission to make a motion to Judge Schofield for judgment on the pleadings regarding certain defenses (Docket # 563), the request is denied without prejudice to renewal before the undersigned (see Docket # 573) following the disposition of any application for a protective order, in the event such renewal is necessary.

So Ordered.

Dated: September 29, 2020  
New York, New York

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge